

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Cornelius R. Morant, #1499,

Plaintiff,

v.

The People of the State of South
Carolina, Sumter County, K. Boland,
and James C. Campbell,

Defendants.

C/A No. 3:19-cv-2849-JFA-SVH

ORDER

The *pro se* plaintiff, Cornelius Morant (“Plaintiff”), brought this action pursuant to 42 U.S.C. § 1983 against the People of the State of South Carolina (“People”), Sumter County (“County”), South Carolina Highway Patrol Officer K. Boland (“Officer”), and Sumter County Clerk of Court James C. Campbell (“Clerk”) (collectively “Defendants”), alleging violations of his civil and constitutional rights. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss the complaint with

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

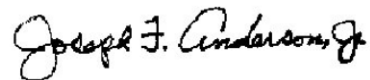
prejudice and without issuance and service of process. (ECF No. 11). The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on November 4, 2019. (ECF No. 11). The Magistrate Judge required Plaintiff to file objections by November 18, 2019. *Id.* However, Plaintiff failed to file any objections or otherwise respond. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law and incorporates the Report herein by reference. (ECF No. 11). Consequently, Plaintiff's complaint (ECF No. 1) is dismissed without issuance and service of process. However, this Court declines to dismiss the complaint with prejudice as the abstention issues noted by the Magistrate Judge will not exist once Plaintiff's criminal proceedings are no longer ongoing. Accordingly, this dismissal is without prejudice.

IT IS SO ORDERED.

December 2, 2019
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge